

2006 SESSION

INTRODUCED

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HOUSE BILL NO. 720

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact § 8.01-418 of the Code of Virginia, relating to admissibility of criminal pleas.

Patron—McQuigg

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-418 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-418. When plea of guilty or nolo contendere or forfeiture in criminal prosecution or traffic case admissible in civil action; proof of such plea.

Whenever, in any civil action, it is contended that any party thereto pled guilty, *except when a defendant maintains his innocence despite pleading guilty*, ~~or~~ nolo contendere or suffered a forfeiture in a prosecution for a criminal offense or traffic infraction which arose out of the same occurrence upon which the civil action is based, evidence of said plea or forfeiture as shown by the records of the criminal court shall be admissible. Where the records of the court in which such prosecution was had are silent or ambiguous as to whether or not such plea was made or forfeiture occurred the court hearing the civil case shall admit such evidence on the question of such plea or forfeiture as may be relevant, and the question of whether such plea was made or forfeiture suffered shall be a question for the court to determine.

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